

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/827,811	MCCONNELL ET AL.
	Examiner	Art Unit
	Rajesh Khattar	3693

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment filed on 9/15/2006.
2.  The allowed claim(s) is/are 1-7, 9-13, 19-26, 28-33, 35-40, 84-90, 92-97, 102-106, 108-112, 117, 118, 120, 121 and 124-201.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_

***Acknowledgements***

1. The examiner for this application has changed. Please indicate Examiner Rajesh Khattar as the examiner of record in all future correspondence.

***Allowable Subject Matter***

2. Claims 1-7, 9-13, 19-26, 28-33, 35-40, 84-90, 92-97, 102-106, 108-112, 117, 118, 120, 121, 124-201 are allowable subject matter of Applicant's invention. The following is an examiner's statement of reason for allowance:

The closest prior art that the examiner has been able to locate is Kagami, Japanese Patent JP 402155067A. Kagami discloses an inventory control method and system that utilizes forecasted data in managing the inventory of the respective items. The forecasting method makes use of "individual" know-how and experience. Kagami also teaches the use of an inventory warning index in predicting excess or deficiency of a stock for each of the items. However, Kagami fails to disclose arrival and waiting times for the items that are being sold. Moreover, Kagami fails to disclose retrieving a probability distribution over inter-arrival times for an item and also generating an inter-arrival time event announcement that the waiting time is anomalous. The key feature that makes Applicant's invention novel and worthy of a patent is the inter-arrival time event announcement that makes use of probability distribution. The announcement feature is unique in its own way that it happens in between the first and prior to the next arrival times of an item that is being detected by the sensors. Applicant's invention doesn't wait for next arrival time (that is when an item is to be detected again) before issuing an alert. This is in contrast to the prior art of Kagami that estimates

excess/deficient inventory from the expected value of future sales, which is determined by the forecast for the change of sales. In other words, Applicant invention manages the inventory of items in a store in a proactive manner. There is no teaching or motivation in the prior art of Kagami that would lead to Applicant's invention. Therefore, Applicant's invention is not an obvious variant of prior art of Kagami. Examiner notes that Applicant has demonstrated a novel and distinct way of managing inventory.

Claims 1, 12, 124 and 127 are allowed because the best prior art of Kagami, alone or in combination, neither discloses nor fairly suggests the limitation(s) taught by the Applicant in this claimed invention.

Claims 2-7, 9-11, 13, 19-26, 28-33, 35-40, 84-90, 92-97, 102-106, 108-112, 117, 118, 120, 121, 125, 126, 128-201 are also allowable for the same reasons discussed above, in that they are dependent on allowed claims 1, 12, 124 and 127.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rajesh Khattar whose telephone number is 571-272-7981. The examiner can normally be reached on M-Th 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RK  
March 8, 2007

*James A. Kramer* 3/9/07  
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